

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

PETER MARK GREHLINGER ET AL

Serial No.: 10/643,879

Filed: AUGUST 20, 2003

For: SYSTEM AND METHOD FOR  
DYNAMICALLY CONTROLLING  
OPERATION OF RHEOMETRIC  
INSTRUMENTS

Art Unit: 2173

Examiner: VU, Kieu D.

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF JOHN P. BERTING  
PURSUANT TO 37 C.F.R. § 1.132**

I, John P. Berting, do hereby declare and state as follows:

1. I am an inventor of the subject matter claimed in the above-captioned patent application.

The application correctly names Ronald F. Garritano, John P. Berting, and Peter Mark Grehlinger as joint inventors.

2. I have read and am familiar with the article titled "Integration of the rheometer into today's formulation laboratories," by A. Franck, published in *American Laboratory* in June 2002 ("the Franck article").

3. The subject matter described in the Franck article is the work of Ronald F. Garritano, Peter Mark Grehlinger, and myself.

4. At the time the article was written, each of the named joint inventors, as well as the author of the article, were employees of Rheometric Scientific, Inc. ("Rheometric"), the

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company named as the source of the product described in the article. The named joint inventors conceived of and invented the systems and products described in the Franck article while working for Rheometric.

5. Rheometric was acquired by Waters Investment Limited ("Waters"), the assignee of the present application, in early 2003. Pursuant to the acquisition, the present invention was assigned to Waters.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

25-APR-2008

Date

John F. Berling

